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HOUSE JOINT MEMORIAL 43
46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY
Bengie Regensberg

A JOINT MEMORIAL
REQUESTING PARDONS BY THE PRESIDENT OF THE UNITED STATES AND
THE GOVERNOR OF NEW MEXICO FOR PEOPLE UNJUSTLY ACCUSED OF
TREASON OR TREASONOUS ACTS IN NORTHERN NEW MEXICO IN DEFENSE OF
LAND GRANTS.

WHEREAS, land grants were made in the internal provinces
of the west, which included New Mexico, to Spanish settlers by
the Spanish crown during the Spanish period, and land grants
were made to Mexican settlers during the Mexican period; and

WHEREAS, land grants made by the Spanish crown to the
settlers were made under applicable Spanish laws and these
Spanish customs and traditions were assumed and enforced by
Mexico, and Mexico also made new laws pertaining to land
grants; and

WHEREAS, land grant laws required grantees to comply with

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1 certain conditions in order to keep their land, and one
2 condition was that they were to defend it from the assault of
3 foreign invaders; and

4 WHEREAS, an insurrection occurred against the American
5 army of occupation in 1847 in northern New Mexico by the then
6 defenders of their country, and many citizens in Taos, Mora and
7 San Miguel counties were unjustly hanged for treasonous acts or
8 for treason, and their towns destroyed and their land
9 confiscated; and

10 WHEREAS, it was later found that these people could not
11 legally be hanged for treason as they were not yet citizens of
12 the United States, and their names still carry the stigma of
13 committing a treasonous act; and

14 WHEREAS, on February 2, 1848, the United States assumed,
15 assured and protected Spanish and Mexican land grant laws,
16 customs and traditions under the Treaty of Guadalupe Hidalgo
17 and further clarified this protection under the Protocol of
18 Queretaro, and the United States constitution and government
19 further protected the land grants by various United States
20 supreme court decisions; and

21 WHEREAS, the United States and Mexico jointly signed the
22 Treaty of Guadalupe Hidalgo and the Protocol of Queretaro and
23 agreed to respect their provisions; and

24 WHEREAS, the descendants of the people hanged for treason
25 need closure and justice for their ancestors; and

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1 WHEREAS, the consequential loss to the descendants of the
2 people hanged for treason resulted in extreme poverty for many,
3 and all continue to bear the unwarranted stigma of treason; and

4 WHEREAS, the United States and New Mexico should
5 rightfully clear the names of these so-called traitors, and the
6 United States should compensate the families for the loss of
7 their loved ones and the loss of their land; and

8 WHEREAS, new legal and historical information has been
9 brought to light regarding the grave injustices and inadequate
10 adjudications, which are today known as the treason trials of
11 1847; and

12 WHEREAS, the descendants of these brave defenders of their
13 country in northern New Mexico have long wanted sufficient
14 information and closure regarding the unjust acts perpetrated
15 upon their ancestors;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that the president of the United States and
18 the governor of New Mexico be asked to pardon the people who
19 were unjustly hanged in 1847 and to clear their names of all
20 wrongdoing; and

21 BE IT FURTHER RESOLVED that the United States reopen the
22 cases and seek appropriate relief for the descendants of these
23 people; and

24 BE IT FURTHER RESOLVED that appropriate memorials to these
25 defenders of their country be erected in the towns of northern

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New Mexico where they were tried and unjustly convicted; and

BE IT FURTHER RESOLVED that copies of this memorial be sent to the president of the United States, the governor of New Mexico and members of the New Mexico congressional delegation.